

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CHRISTOPHER A. JONES,)	
)	3:10-cv-00162-LRH-VPC
Plaintiff,)	
)	ORDER
v.)	
)	
HOWARD SKOLNIK, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

Before the Court is Plaintiff Christopher A. Jones' ("Jones") Motion for Adverse Inference Instruction Due to Spoilation of Relevant Evidence. Doc. #264.¹ Defendants Yaqub Mustafaa and Taerik Berry (collectively "Defendants") filed an Opposition (Doc. #273), to which Jones replied (Doc. #277).

The Court has reviewed the relevant documents and pleadings on file in this matter and finds that Jones' Motion is moot. Therein, Jones argues that he is entitled to an adverse inference instruction due to the spoilation of evidence, namely an audible tape-recording of his prison disciplinary hearing on July 30, 2007. However, the Nevada Department of Corrections ("NDOC") has since produced an audible copy of the disciplinary hearing for Jones' inspection in accordance with Federal Rule of Civil Procedure 34(c). Moreover, on June 12, 2014, Magistrate Judge Cooke issued an Order denying Jones' Motion to Compel Discovery from Mustafaa and to Determine the Sufficiency of Answers. Doc. #318. Therein, Magistrate Judge Cooke reviewed Mustafaa's Answer to Jones' Request for Production #6, related to the

¹ Refers to the Court's docket number.

1 audiotapes at issue, and determined that Mustafaa's response shall stand. Because Jones' request
2 relates to a matter that has since been resolved, his Motion for Adverse Inference Instruction Due
3 to Spoilation of Relevant Evidence is denied as moot. To the extent that Jones challenges the
4 authenticity and trustworthiness of the audiotapes, he must do so via an appropriate motion
5 before the Court.

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7 IT IS THEREFORE ORDERED that Jones' Motion for Adverse Inference Instruction
8 Due to Spoilation of Relevant Evidence (Doc. #264) is DENIED.

9 IT IS SO ORDERED.

10 DATED this 6th day of August, 2014.

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12 LARRY R. HICKS
13 UNITED STATES DISTRICT JUDGE
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